



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

WP NO. 30091 OF 2019

S.Rajendiran

... Petitioner

vs.

1. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai 600 005.
2. The Secretary cum Works Manager,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai 600 005.
3. The Administrative Engineer
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai 600 005.
4. The Estate Officer,
Estate Office No.III,
Tamil Nadu Slum Clearance Board,
Thirumangalam,
Chennai 600 040.

... Respondents

Prayer:-

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first and second respondents to execute the sale deed vide plot bearing no.382, situated at Mahakavi Bharathi Nagar, ambattur, Chennai 600 053, measuring an extent of 78.72 sq. mtr. In favour of the petitioner herein within a stipulated time as fixed by this Court.

For Petitioner : Mr.N.Elumalai



WEB COPY

For Respondents : Mr.K. Suresh
Government Advocate, for R1

Mr.G.Sivakumar,
Standing Counsel for TNSCB,
for RR2 to 4

O R D E R

The claim of the petitioner for issuance of the Sale Deed was rejected by the respondent Board on the ground that the petitioner had encroached upon the neighbouring lands. The petitioner was allotted an extent of 78.72 sq. meters in Plot No.382 New No.143. It was found that the petitioner had encroached upon the land in Plot No.370 and Plot No.381 which were allotted to one Mariamma and Sundaramurthy, who are stated to be maternal aunt and uncle of the petitioner.

2. By order dated 04.02.2020, the petitioner was directed to measure the land in his possession and put boundary stones to the extent of 78.72 sq. meters. Thereafter the Board officials were directed to verify. It is now stated that the petitioner had measured the land and put up boundary stones and the Board officials have also verified the same and the petitioner is found to be in possession of 126 sq. meters which is in excess of the land actually allotted to him. The petitioner has now produced Consent Deeds from the neighboring owners namely the allottees of Plot Nos.370 and 381, Mariamma and Sundaramurthy, wherein they have expressed no objection for the petitioner being favoured with the Sale Deed for 126 sq. meters which is in his possession. These Consent Deeds can be taken into account only as proof of the fact that the petitioner's possession of the excess land is with the permission of the owners, therefore it is permissive occupation. The said consent cannot be extended beyond that to enable the Board to execute a Sale Deed in favour of the petitioner.

3. Therefore, the Writ Petition is disposed of with the direction to the Board to execute the Sale Deed only to the extent of 78.72 sq. meters in Plot No.382 in favour of the petitioner. Such Sale Deed shall be executed within a period of three months from today.

Sd/-
Assistant Registrar

//True Copy//

jv

Sub Assistant Registrar



To

1. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai 600 005.
2. The Secretary cum Works Manager,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai 600 005.
3. The Administrative Engineer
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai 600 005.
4. The Estate Officer,
Estate Office No.III,
Tamil Nadu Slum Clearance Board,
Thirumangalam, Chennai 600 040.

+lcc to Mr.N.Elumalai, Advocate, S.R.No.38749

WP No. 30091 of 2019

AJS (CO)
PM/07/07/2022